



# **Reproductive and Sexual Health Law: Supplement**

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Faculty of Law, University of Toronto

**2006-2007**



UNIVERSITY OF  
**TORONTO**  
FACULTY OF LAW

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# **Reproductive and Sexual Health Law**

## **2006-2007 Supplement**

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This course addresses national and international legal protection and promotion of reproductive and sexual health. It examines the comprehensive nature of reproductive health, including fertility control and promotion, treatment of sexually transmitted diseases, such as HIV/AIDS, and abusive sexual relations. The course provides introductory overviews of the background law and its interaction with ethical principles. The course surveys different disciplinary dimensions, such as biomedical, epidemiological and social science perspectives that can be used in the development and application of reproductive and sexual laws. It analyzes the effectiveness of the law in protecting groups at high risk of reproductive health disadvantages, such as adolescents.

### **Texts:**

Cook RJ, Dickens BM and Fathalla MF. *Reproductive Health and Human Rights: Integrating Medicine, Ethics and Law*. Oxford: Oxford University Press, 2003 (Green book), updates available at: <http://www.law.utoronto.ca/faculty/cook/ReproductiveHealth.html>

2006-2007 Supplement

### **Structure:**

Part 1: Introduction (September 6, 13)

Part 2: Legal Origins and Principles (September 20, 27; October 4, 11)

Part 3: Substantive Human Rights Principles (October 18, 25; November 1, 15)

Part 4: Case Studies in Reproductive and Sexual Health Law (November 22, 29)

### **Evaluation:**

All students must complete four short assignments (3 pages) related to the readings (15%).

The balance of the evaluation (85%) will be based on:

a research paper or legal memorandum (approximately 20 pages) or

a 48 hour take-home examination to be signed out from and returned to the Records Office. The examination may be taken during any 48 hour period between the first day of the examination period and due no later than the set deadline for written work in the applicable term (see Take-home Policy in the Syllabus for details)

# **Reproductive and Sexual Health Law**

## **PART I: INTRODUCTION**

### **1. Introduction (September 6)**

### **2. Overview of Reproductive and Sexual Health Law and Rights (September 13)**

- A. Overview: Reproductive and Sexual Health, and Sexuality
- B. Relationship between Sex, Gender and Sexuality
- C. Evolution of Reproductive Health Law and Rights
- D. Human Rights Needs Assessment

## **PART II: LEGAL ORIGINS AND PRINCIPLES**

### **3. Legal Origins and Principles (September 20)**

- A. Legal Principles
- B. Free and Informed Decision-Making
  - i. Adolescents
  - ii. Reproductive Choices for Persons Living with HIV/AIDS

### **4. Legal Origins and Principles (September 27)**

- A. Legal Regulation of the Delivery of Services
  - i. Tort Law: Standards for determining medical competence
  - ii. Administrative Law - Delegation of authority
- B. Criminal Regulation of Sexual and Reproductive Health

### **5. Fairness in Access to Reproductive & Sexual Health Care (October 4)**

- A. Health Care Systems
  - Aboriginal Women in the Canadian Health System
- B. Ways of Thinking about Fairness

### **6. Implementation of Legal and Human Rights Principles (October 11)**

- A. Development of Legal Claims
- B. Advancement of Legal Claims
- C. Role of Courts in Promoting Rights to Health and the Benefits of Scientific Progress

### **PART III: SUBSTANTIVE HUMAN RIGHTS PRINCIPLES**

#### **7. Human Rights Principles: Life, Survival and Security (October 18)**

- A. The Right to Life and Survival: Essential Obstetric Care
- B. The Right to Life and Survival: The Protection of Prenatal Life

#### **8. Human Rights Principles: Liberty and Security of the Person (October 25)**

- A. Sterilization: Substitute Decision Making & Involuntary
- B. HIV Diagnostic and Virginit Testing in HIV/AIDS Context

#### **9. Human Rights Principles: Non-Discrimination & Equality (November 1)**

- A. Generally
- B. Non-discrimination on the Basis of Age
- C. Non-discrimination on Basis of Health Status/Disability

#### **10. Human Rights Principles: Stigma (November 15)**

- A. The Stigma of Diagnosis: HIV/AIDS
- B. The Stigma of Care
  - i. Abortion
  - ii. Infant Feeding and HIV

### **PART IV: CASE STUDIES IN REPRODUCTIVE & SEXUAL HEALTH LAW**

#### **11. Access to Emergency Contraception & Medication Abortion (November 22)**

- A. Emergency Contraception
- B. Medication Abortion

#### **12. Access to Abortion Services (November 29)**

- A. Provincial Insurance Coverage
- B. Access to Information
- C. Operationalizing Health Indications for Abortion
- D. Access to Post-Abortion Care



## PART I: INTRODUCTION

### 1. Introduction (September 6)

The texts for the course are:

Cook RJ, Dickens BM and Fathalla MF. *Reproductive Health and Human Rights: Integrating Medicine, Ethics and Law*. Oxford: Oxford University Press, 2003 (**Green Book, GB**), updates available at:  
<http://www.law.utoronto.ca/faculty/cook/ReproductiveHealth.html>

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### 2. Overview of Reproductive and Sexual Health Law and Rights (September 13)

#### **A. Overview: Reproductive and Sexual Health, and Sexuality**

Green Book: 8-33, 173-175.

GB

#### **B. Relationship between Sex, Gender and Sexuality**

Sex: *biological construct premised on biological characteristics enabling sexual reproduction.*

Gender: *social construct regarding culture-bound conventions, roles, and behaviors for, as well as relationships between and among, women and men.*

Lesley Doyal, "Gender Equity in Health: Debates and Dilemmas," (2000) 51 *Social Science and Medicine* 931-939.

1

See also: Nancy Krieger, "A glossary for social epidemiology, (2001) 55 *J. Epidemiol. Community Health*," 693 - 700.

Ellen Annandale and Judith Clark, J., "What is gender? Feminist theory and the sociology of human reproduction" (1996) 18(1) *Sociology of Health and Illness* 17-44.

John Archer and Barbara Lloyd, *Sex and Gender* (Cambridge: Cambridge University Press, 2002).

Alice Miller and Carol Vance, "Sexuality, Human Rights and Health" (2004) 7 *Health Hum. Rights* 5-15.

C.F. Stychin, Same Sex Sexualities and the Globalization of Human Rights Discourse, (2004) 49 *McGill Law J.* 951-968.

### **C. Evolution of Reproductive Health Law and Rights**

Green Book: 95-109, 154-156.

GB

### **D. Human Rights Needs Assessment**

Green Book: 217-221, 255-59.

GB

Jonathan Cohen, Nancy Kass and Chris Beyrer, "Responding to the Global HIV/AIDS Pandemic: Perspectives from Human Rights and Public Health Ethics" *Public Health and Human Rights: Evidence-Based Approaches*. Chris Beyrer and H.F. Pizer eds. Baltimore, MD: Johns Hopkins University Press, forthcoming 2007.

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## **PART II: LEGAL ORIGINS AND PRINCIPLES**

### **3. Legal Origins and Principles (Sept 20)**

#### **A. Legal Principles**

Green Book: 107-9.

GB

#### **B. Free and Informed Decision-Making**

##### **i. Adolescents**

Green Book: Decision Making: 109-119.

GB

Case Study 3: Adolescent Girl: 276-86.

*C. v. Wren* (1986), 35 D.L.R. (4th) 419 (Alta.C.A.).

33

B.M. Dickens and R.J. Cook, "Adolescents and Consent to Treatment" (2005) 89 *Int'l J. of Gynecology and Obstetrics* 179-184.

36

*See also:* *Christian Lawyers' Association v. National Minister of Health and Others*, South Africa High Court, Transvaal Provincial Division, [2004], Case No. 7728/2000.

*Gillick v. West Norfolk and Wisbech Area Health Authority*, [1986] Appeal Cases 112 (House of Lords).

*Carey v. Population Services International*, 431 U.S. 678 (1977).

## ii. Reproductive Choices for Persons Living with HIV/AIDS

Maria de Bruyn, "Safe Abortion for HIV-Positive Women with Unwanted Pregnancy: A Reproductive Right" (2003) 11 *Reproductive Health Matters* 152-161. 42

Vera Paiva *et al.*, "The Right to Love: the Desire for Parenthood among Men Living with HIV" (2003) 11(22) *Reproductive Health Matters* 91-100. 52

Mark V. Sauer, "Providing Fertility Care to Those With HIV: Time to Re-examine Healthcare Policy" (2003) 3(1) *Am. J. Bioeth.* 33-40. 62

Anne Drapkin Lyerly and Ruth R. Faden, "HIV and Assisted Reproductive Technology: Women and Healthcare Policy" (2003) 3(1) *Am. J. Bioeth.* 41-43. 70

*See also:* *New Jersey Division of Youth & Family Servs. v. L.V.*, 2005 WL 3527274 (N.J. Super. Ch. Aug. 3).

Maria de Bruyn, *Fulfilling reproductive rights for women affected by HIV/AIDS. A tool for monitoring progress toward three Millennium Development Goals*. (Chapel Hill, NC: Ipas, 2006).  
[http://www.ipas.org/publications/en/MDGHIV\\_E06\\_en.pdf](http://www.ipas.org/publications/en/MDGHIV_E06_en.pdf)

## **4. Legal Origins and Principles (September 27)**

### **A. Legal Regulation of the Delivery of Services**

Green Book: 128-139, 144-147. GB

#### i. Tort Law: Standards for determining medical competence

*Zimmer v. Ringrose* (1981), 124 D.L.R. (3rd.) 215. 73

#### ii. Administrative Law - Delegation of authority

*Royal College of Nursing of the UK v. Department of Health and Social Security* [1981] 1 All ER 545 (House of Lords, England), 135. 78

See also: *Kealey v. Berezowski* (1996), 136 D.L.R. (4th) 708 (Ont. Gen Div).

*McFarlane and Another v. Tayside Health Board* (Scotland), [1999] 4 All E.R. 961 (House of Lords).

*Cattanach v. Melchior*, [2003] HCA 38 (High Court of Australia).



## **B. Criminal Regulation of Sexual and Reproductive Health**

- Green Book: 144-47. GB
- Lawrence Gostin, *The AIDS Pandemic: Complacency, Injustice and Unfulfilled Expectations* (Chapel Hill: University of North Carolina Press, 2004), pp. 195-7. 84
- S. Bray, S. Burris and Z. Lazzarini, "Evaluating the impact of criminal laws on HIV risk behavior" (2002) 30(2) *Journal of Law and Medical Ethics* 239-253. 86
- Contrast *R v. Cuerrier* (1998) 127 C.C.C. (3d) 1 (S.C.C.). 101  
with *R v. Cuerrier* (1996) 141 D.L.R. (4th) 503 (British Columbia C.A.).
- See also: *R v. Williams* [2003] 2 S.C.R. 134.  
*See Richard Elliott and Glenn Betteridge*, "HIV-positive person who did not disclose status convicted of attempted aggravated assault" (2003) *Can. HIV/AIDS Policy Law Rev.* 8(3) 50-52.
- Canadian HIV/AIDS Legal Network and the Joint UN Programme on HIV/AIDS, *Courting Rights: Case Studies in Litigating the Human Rights of People Living with HIV* (2006).  
<http://www.aidslaw.ca/Maincontent/issues/discrimination/Courtingrights-ENG.pdf>
- Canadian HIV/AIDS Legal Network, *Sex, Work, Rights: Reforming Canadian Criminal Laws on Prostitution* (2005).  
<http://www.aidslaw.ca/Maincontent/issues/sexwork/SWreport.pdf>
- Bell-Ginsburg v. Ginsburg* (1993) 14 O.R. (3d) 217 (Gen Div).

## **5. Fairness in Access to Reproductive & Sexual Health Care (October 4)**

### **A. Health Care Systems**

- Green Book: Chapter 3: 34-60. GB  
Reproductive Health Data, 405-427 (review).
- D. Gwatkin *et al.*, "Making Health Systems More Equitable" (2004) 364 *Lancet* 1273-1280. 114
- David H. Peters, "The role of oversight in the health sector: the example of sexual and reproductive health services in India" (2002) 10(2) *Reproductive Health Matters* 82-94. 122
- Priya Nanda, "Gender Dimensions of User Fees: Implications for Women's Utilization of Health Care" (2002) 10(2) *Reproductive Health Matters* 127-134. 135
- J.O. Parkhurst *et al.*, "Health systems factors influencing maternal health services: a four-country comparison" (2005) *Health Policy* 127-138. 143

*See also:* T.K.S. Ravindran and H. de Pinho, eds., *The Right reforms? Health sector reforms and sexual and reproductive health* (Johannesburg: Women's Health Project, 2005).

Marga Kowalewski, Phare Mujinja and Albrecht Jahn, "Can Mothers Afford Maternal Health Care Costs? User Costs of Maternity Services in Rural Tanzania" (2002) 6(1) *African Journal of Reproductive Health* 65-73.

WHO/UNFPA, *Measuring Access to Reproductive Health Services* (2004).  
<http://www.who.int/reproductive-health/publications/2004/07/index.html>

### Aboriginal Women in the Canadian Health System

WEDO, "Canada" in *Beijing Betrayed: Women Worldwide Report that Governments have Failed to Turn the Platform into Action* (New York: Women's Environment and Development Organization, 2005), 149-155. 155

*See also:* Tracey Prentice, *HIV/AIDS and Aboriginal Women, Children and Families*, (Ottawa: The Canadian Aboriginal AIDS Network, 2004)

Michael R. Wright *et al.*, "Fulfilling prophecy? Sexually transmitted infections and HIV in Indigenous people in Western Australia" (2005) 183(3) *Medical Journal of Australia* 124.  
[http://www.mja.com.au/public/issues/183\\_03\\_010805/wri10151\\_fm.pdf](http://www.mja.com.au/public/issues/183_03_010805/wri10151_fm.pdf)

### **B. Ways of Thinking about Fairness**

Green Book: "General Recommendation 24" at 469-477 GB  
"CESCR General Comment 14" at 477-499

Rebecca J. Cook, "Exploring Fairness in Health Care Reform" (2004) 29(3) *Journal for Juridical Science* 1-27, read pp. 1-11. 164

K.J. Syrett, "Revisiting the Judicial Role in the Allocation of Healthcare Resources: On Deference, Democratic Dialogue and Deliberation" (2005) 30(2) *Journal for Juridical Science* 1-29. 178

See also: L. Forman, "Ensuring Reasonable Health: Health Rights, the Judiciary and South African HIV/AIDS Policy," (2005) 33(4) *Journal of Law, Medicine Ethics* 711-724.

Sara Bennett and Catherine Chanfreau, "Approaches to rationing antiretroviral treatment: ethical and equity implications" (WHO, 2005).  
<http://www.who.int/bulletin/volumes/83/7/541arabic.pdf>

## **6. Implementation of Legal and Human Rights Principles (October 11)**

R. Cook and C. Ngweni, "Women's Access to Health Care: The Legal Framework," *Int. J. Gynecol. Obstet.* (2006, forthcoming). 193

### **A. Development of Legal Claims**

Green Book: 221-230, 513-516. GB

### **B. Advancement of Legal Claims**

Green Book: 230-251. GB

See also: Human Right Watch, *Decisions Denied: Women's Access to Contraceptives and Abortion in Argentina* [Vol. 17(1), 2005].  
<http://hrw.org/reports/2005/argentina0605/>

### **C. Role of Courts in Promoting Rights to Health and the Benefits of Scientific Progress**

Green Book: 162-166, 187-195. GB

Review "General Recommendation 24" at 469-477.

Review "CESCR General Comment 14" at 477-499.

Rebecca J. Cook, "Exploring Fairness in Health Care Reform" (2004) 29(3) *Journal for Juridical Science* 1-27, read pp. 12-27 (*supra*). 164

*Cameron v. Nova Scotia* (1999), 177 D.L.R. (4th) 611 (N.S.C.A.). 203

*Minister of Health and others v Treatment Action Campaign* [2002] 5 S. Afr. L. R. 721 (South African Constitutional Court). 217

**See also:** C. Flood, "Just Medicare: The Role of Canadian Courts in Determining Health Care Rights and Access," (2006) 33(4) *Journal of Law, Medicine Ethics* 669-680.

Luisa Cabal *et al.*, "What Role Can International Litigation Play in the Promotion and Advancement of Reproductive Rights in Latin America?" (2003) 7 *Health Hum. Rights* 50-89.

Center for Reproductive Rights & Universidad de los Andes School of Law, *Bodies on Trial: Reproductive Rights in Latin America* (2003).  
[http://www.reproductiverights.org/pub\\_bo\\_bot.html#pdf](http://www.reproductiverights.org/pub_bo_bot.html#pdf)

Center for Reproductive Rights, *Reproductive Rights in the Inter-American System for the Promotion and Protection of Human Rights* (2002).  
[http://www.crlp.org/pdf/pub\\_bp\\_rr\\_interamerican.pdf](http://www.crlp.org/pdf/pub_bp_rr_interamerican.pdf)



Center for Reproductive Rights, *Reproductive Rights in the European Court of Human Rights* (2004).

[http://www.crlp.org/pdf/pub\\_bp\\_RREuropeanCourt.pdf](http://www.crlp.org/pdf/pub_bp_RREuropeanCourt.pdf)

Magda Krzyzanowska-Mierzevska, *How to use the European Convention for the Protection of Human Rights and Fundamental Freedoms in matters of reproductive law: the case law of the European Court of Human Rights*. (ASTRA, 2004).

[http://www.astra.org.pl/astra\\_guide.htm](http://www.astra.org.pl/astra_guide.htm)

*Legal Grounds: Reproductive and Sexual Rights in African Commonwealth Courts* (Center for Reproductive Rights and the International Programme on Reproductive and Sexual Health Law at the University of Toronto, 2005)

[http://www.crlp.org/pdf/bo\\_legalgrounds\\_2005.pdf](http://www.crlp.org/pdf/bo_legalgrounds_2005.pdf)

Cathi Albertyn, "Using Rights and the Law to Reduce Women's Vulnerability to HIV" (2000) 5(4) *Can. HIV/AIDS Policy Law Rev.* 72.

<http://www.aidslaw.ca/Maincontent/otherdocs/Newsletter/newsletter.htm>

### **PART III: SUBSTANTIVE HUMAN RIGHTS PRINCIPLES**

#### **7. Human Rights Principles: Life, Survival and Security (October 18)**

Green Book: 159-174.

GB

See also: Anti-retroviral Treatment: *Tutela No. T-505/92*, Right of Sick Person/AIDS Patients, Constitutional Court of Colombia, Judgment No. T-505/92 (1992) in Goldman et al., *International Dimensions of Human Rights, Inter-American Development Bank* (2001), pp. 585-91.

#### **A. The Right to Life and Survival: Essential Obstetric Care**

Green Book: Medical aspects 22-25.

GB

Human rights aspects 159-163.

Case Study 16: A Maternal Death, 393-401.

L.P. Freedman, "Using Human Rights in Maternal Mortality Programs: From Analysis to Strategy" (2001) 75(1) *Int. J. Gynecol. Obstet.* 51-60.

227

See also: Center for Reproductive Rights, *Claiming Our Rights: Surviving Pregnancy and Childbirth in Mali* (2003).

[http://www.crlp.org/pub\\_bo\\_mali.html](http://www.crlp.org/pub_bo_mali.html)

A.B. Lalonde et al., "Averting Maternal Death and Disability: The FIGO Save the Mothers Initiative: The Uganda-Canada Collaboration" (2003) 80(2) *Int. J. Gynecol. Obstet.* 204-212.

## **B. The Right to Life and Survival: The Protection of Prenatal Life**

Michael Lim Tan, "Fetal Discourses and the Politics of the Womb" (2004) 12(24) *Reproductive Health Matters* 157-166. 237

Rebecca J. Cook and Bernard M. Dickens, "Human Rights Dynamics of Abortion Law Reform" (2003) 25(1) *Hum. Rts. Q.* 1-59, pp. 21-29 . 247

*Tremblay v. Daigle* (1989) 62 D.L.R. (4th) 634 (S.C.C.) (Headnote). 254

*Winnipeg Child and Family Services (Northwest Area) v. G. (D.F.)*, [1997] 3 S.C.R. 925 [excerpt]. 256

*Vo v. France*, Eur. Ct. H.R. Application No. 53924/00, 8/VII/04 (2004) [excerpt]. 269

See also: *R. v. Drummond* (1996), 112 C.C.C. (3d) 481 (Ont. Prov. Div.).

*Dobson (Litigation Guardian of) v. Dobson*, [1999] 2 S.C.R. 753.

*R. v. Sullivan*, [1991] 1 S.C.R. 489; *See also* B.C.C.A. (1988), 31 B.C.L.R. (2d) 145.

Barbara Hewson, "Dancing on the Head of a Pin?" Foetal Life and the European Convention" (2005) 13 *Feminist Legal Studies* 363-375.

Rosamund Scott, "The English Fetus and the Right to Life" (2004) 11 *European Journal of Health Law* 347-364.

Sanda Rodgers, "The Legal Regulation of Women's Reproductive Capacity in Canada" in Jocelyn Downie, Timothy Caulfield & Colleen Flood, eds., *Canadian Health Law and Policy*, 2d ed. (Markham, Ont: Butterworths, 2002), 331, see pp. 343-357.

Melanie Randall, "Pregnant Embodiment and Women's Autonomy Rights in Law: An Analysis of the Language and Politics of *Winnipeg Child and Family Services (Northwest Area) v. D.F.G.*" (1999) 62 *Saskatchewan Law Review* 515-542.

Donna Greschner, "Pregnant with Meaning: Discourse, Democracy, and the Daigle Decision" in L. Samuelson and W. Antony, eds., *Power and Resistance*, 2d ed. (Halifax: Fernwood Publishing, 1998) 155-182.



## **8. Human Rights Principles: Liberty and Security of the Person (Oct 25)**

### **A. Sterilization: Substitute Decision Making & Involuntary**

Green Book: 118-119, 172-173.

GB

Case Study 7 involuntary female sterilization, 315-21.

*Re Eve* (1986) 31 D.L.R. (4th) 1 (S.C.C.).

280

Colleen M. Olesen, "Eve and the Forbidden Fruit: Reflections on a Feminist Methodology" (1994) 3 *Dalhousie J. of Legal Studies* 231-240.

286

See also: *Muir v. Alberta* (1996) 132 D.L.R. (4th) 695 (Alta. Q.B.)

### **B. HIV Diagnostic and VirginitY Testing in HIV/AIDS Context**

Green Book: 168-170.

GB

Case Study 8: Counseling & Caring for HIV-Positive Woman, 323-335.

Michael Kirby, "The never-ending paradoxes of HIV/AIDS and human rights" (2004) 4 *African Human Rights Law Journal* 163-180.

291

Amnesty International, *Memorandum to the Government of Swaziland on the Sexual Offences and Domestic Violence Bill* (2006), pp. 1-3, 14-19.

300

[http://www.amnesty.org.ru/library/pdf/AFR550032006ENGLISH/\\$File/AFR5500306.pdf](http://www.amnesty.org.ru/library/pdf/AFR550032006ENGLISH/$File/AFR5500306.pdf)

Fiona Scorgie, "VirginitY Testing and the Politics of Sexual Responsibility: Implications for AIDS Intervention" (2002) 61(1) *African Studies* 55-75.

309

See also: Green Book: Case Study 9: HIV Drug Research and Testing, at 336-344.  
Int'l Guidelines on HIV/AIDS & Human Rights, at 510-512.

OHCHR/UNAIDS, "HIV/AIDS and Human Rights International Guidelines: Revised Guideline 6, Access to Prevention, Treatment, Care and Support" *UNAIDS/02.49E* (2002).

<http://www.ohchr.org/english/about/publications/docs/g6.pdf>

Committee on the Rights of the Child, *General Comment 3 - HIV/AIDS and the Right of the Child* (2003).

<http://www.unhchr.ch/html/menu2/6/crc/doc/comment.htm>

Louise Vincent, "VirginitY testing in South Africa: Re-traditioning the postcolony" (2006) 8(1) *Culture, Health and Sexuality* 17-30.

## **9. Human Rights Principles: Non-Discrimination & Equality (November 1)**

### **A. Generally**

Green Book: 196-209, 469-477. GB

*Eldridge v. British Columbia (Attorney General)*, [1997] 3 S.C.R. 624 [excerpt]. 320

*Auton (Guardian ad Litem) v. British Columbia (Attorney-General)*, [2004] 3 S.C.R. 657 [excerpt]. 330

See also: *Gosselin v. Quebec (Attorney-General)*, [2002] 4 S.C.R. 429.

Charles Ngweni, "Substantive Equality in South African Health Care: The Limits of Law" (2000) 4 *Medical Law International* 111-131.

### **B. Non-Discrimination on the Basis of Age**

Green Book: 203-5. GB

Case Study 3: Adolescent Girl: 276-86 (review).

R.J. Cook, B.M. Dickens, and S. Syed "Obstetric Fistula: The Challenge to Human Rights," (2004) 87(1) *Int. J. Gynecol. Obstet.* 72-77. 336

Committee on the Rights of the Child, *General Comment No. 4 on Adolescent Health* (2003), <http://www.unhchr.ch/html/menu2/6/crc/doc/comment.htm>. 342

See also: Shelly Clark *et al.*, "Protecting Young Women From HIV/AIDS: The Case Against Child and Adolescent Marriage" (2006) 32(2) *International Family Planning Perspectives* 79-88.  
<http://www.guttmacher.org/pubs/journals/3207906.html>

B.M. Dickens and R.J. Cook, "Adolescents and consent to treatment" (2005) 89 *Int. J. Gynecol. Obstet.* 179-185.

F. Donnay and L. Weil, "Obstetric Fistula: The International Response." (2004) 363(9402) *The Lancet* 71-72.

### **C. Non-discrimination on Basis of Health Status/Disability**

Green Book: 207-209. GB

Medical aspects: 16-17, 30, 46.

Case Study 6: Request for Medically Assisted Reproduction, 305-314.

Review *Cameron v. Nova Scotia* (1999), 177 D.L.R. (4th) 611 (N.S.C.A.). 203

B.M. Dickens and R.J. Cook, "Some Ethical and Legal Issues in Assisted Reproductive Technology" (1999) 66 *Int. J. Gynecol. Obstet.* 55-61. 348

G.I. Serour and B.M. Dickens, "Assisted Reproduction Developments in the Islamic World," (2001) 74 *Int. J. Gynecol. Obstet.* 187-193. 355

See also: A. Bharadwaj, "Why Adoption is not an Option in India: The Visibility of Infertility, the Secrecy of Donor Insemination, and Other Cultural Complexities" (2003) 56 *Social Science & Medicine* 1867-1880.

## **10. Human Rights Principles: Stigma (November 15)**

Scott Burris, "Disease Stigma in Public Health Law and Research" (2002) 30 *J. L. Med. & Ethics* 179-190. 362

See also: Daniel D. Reidpath and Sandra M. Gilford, "'He hath the French pox': stigma, social value and social exclusion" (2005) 27(4) *Sociology of Health & Illness* 468-489.

T. Mason, C. Carlisle, C. Watkins and E. Whitehead, eds., *Stigma and Social Exclusion in Health Care* (London: Routledge, 2001).

E. Goffman, *Stigma: Notes on the Management of Spoiled Identity* (1963)

### **A. The Stigma of Diagnosis: HIV/AIDS**

Miriam Maluwa, Peter Aggleton and Richard Parker, "HIV-and AIDS-Related Stigma, Discrimination, and Human Rights" (2002) 6 *Health and Human Rights* 1-18. 374

Theodore de Bruyn, "HIV-Related Stigma and Discrimination - The Epidemic Continues" (2002) 7(1) *Can. HIV/AIDS Policy Law Rev.* 8-14. 384  
<http://www.aidslaw.ca/Maincontent/otherdocs/Newsletter/newsletter.htm>

See also: Arachu Castro and Paul Farmer, "Understanding and Addressing AIDS-Related Stigma: From Anthropological Theory to Clinical Practice in Haiti" (2005) 95(1) *American Journal of Public Health* 53-59.

K.Y. Chan and D.D. Reidpath, "HIV Vulnerabilities, Stigma, Discrimination, and the Human Rights Framework: Evidence and Action," *A Position Paper for the UNOHCHR (Bangkok) Expert Meeting on HIV/AIDS & Human Rights in Asia-Pacific* (Melbourne: Deakin University, 2004).

J.R. Busza, "Promoting the positive: responses to stigma and discrimination in Southeast Asia" (2001) 13(4) *AIDS Care* 441-456.



## B. The Stigma of Care

### i. Abortion

E.V. Fegan and R. Rebouche, "Northern Ireland's Abortion Law: The Morality of Silence and the Censure of Agency" (2003) 11(3) *Feminist Legal Studies* 221-254, pp. 223-226, 237-246. 391

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Mette Løkeland "Abortion: The Legal Right Has Been Won, But Not the Moral Right" (2004) 12(24) *Reproductive Health Matters* 167-173. 409

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### **ORGANIZATIONS OF INTEREST**

#### **Action Canada for Population and Development**

<http://www.acpd.ca>

#### **AIDS Law Project , South Africa**

<http://www.alp.org.za/>

#### **Asian-Pacific Resource & Research Centre for Women (ARROW)**

<http://www.arrow.org.my/>

#### **ASTRA Network**

<http://www.astra.org.pl/>

#### **ATHENA (Advancing Gender Equity and Human Rights in the global response to HIV/AIDS)**

<http://www.athenanetwork.org/>

#### **Canadian HIV/AIDS Legal Network**

<http://www.aidslaw.ca/>

#### **Canadian Women's Health Network**

<http://www.cwhn.ca>

#### **Center for Reproductive Rights**

<http://www.crlp.org/>

#### **Centre for Health and Gender Equity (CHANGE)**

<http://www.genderhealth.org>

#### **EQUINET (Southern African Regional Network on Equity in Health)**

<http://www.equinet africa.org/>

#### **Guttmacher Institute**

<http://www.guttmacher.org/>

#### **Family Care International**

<http://www.familycareintl.org/>

#### **Development Alternatives with Women for a New Era (DAWN)**

<http://www.dawnorg.org/>

#### **Human Rights Watch, Women's Rights Division**

<http://hrw.org/women/>

#### **International People's Health Council**

<http://www.iphcglobal.org/index.htm>

#### **International Women's Health Coalition**

[www.iwhc.org](http://www.iwhc.org)

#### **Kaiser Network Organization**

[www.kaisernetwork.org](http://www.kaisernetwork.org)

#### **Latin American and Caribbean Committee for the Defense of Women's Rights (CLADEM)**

<http://www.cladem.org>

#### **People's Health Movement (PHM)**

<http://www.phmovement.org>

#### **Women's Global Network for Reproductive Rights**

<http://www.wgnrr.org/>

#### **Women's Link Worldwide**

<http://www.womenslinkworldwide.org>

#### **Youth Coalition**

<http://www.youthcoalition.org>

